

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 3, 1859.—Referred to the Committee on Claims.

The COURT OF CLAIMS submitted the following

REPORT.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The Court of Claims respectfully presents the following documents as the report in the case of

HERMAN HOOKER and others *vs.* THE UNITED STATES.

1. The petition of the claimant.
2. Petitioners' brief.
3. Opinion of the Court adverse to the claim.

By order of the Court of Claims.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, at Washington, this third day of February,  
[L. s.] A. D. 1859.

SAM'L H. HUNTINGTON,  
*Chief Clerk Court of Claims.*

UNITED STATES COURT OF CLAIMS.

*Petition.*

HERMAN HOOKER, *et al.*, heirs-at-law and representatives of James Hooker, deceased, *vs.* THE UNITED STATES.

*To the honorable the Judges of the Court of Claims:*

The petition of the Rev. Herman Hooker, Maria Goodspeed, Emily Ransom, James C. Hooker, Mary J. Mann, and others, children and grandchildren of James Hooker, deceased, late of the State of Vermont, respectfully represents:

That James Hooker, deceased, the father and grandfather of your petitioners, was a non-commissioned officer in the war of the revolution, of the Connecticut line, and on the continental establishment;

he served in said war till the end thereof, and was participant in many important battles—the battles of Monmouth, Princeton, Trenton, and others. When the war was over he received an honorable discharge, and was paid off in continental money, which was almost worthless. He settled in the State of Vermont, where he reared a family of children in Christian and patriotic principles; and there he died on the 9th day of August, 1844.

On the passage of the act of Congress of the 18th March, 1818, granting pensions for life to officers and soldiers of the revolution who should comply with certain requirements and conditions therein specified, the said James Hooker doing all that the law required, was placed, as the law directed, on the pension list of the United States as a pensioner for life, at the rate of eight dollars per month; that he drew said pension regularly till after the passage of the act of May 1, 1820. By this last named act the pensioners under the act of 1818, that they might retain their pensions, were required to perform other and new stipulations not designated in that act, and to show that they were in such indigent circumstances as to be unable to support themselves without the assistance of their country; which the said James Hooker, being a conscientious man, and possessed of a small property, that, with the labor and assistance of his children, and with rigid economy, might yield him support without the assistance of his country, was unwilling to do. He was, therefore, dropped from the pension list, and the payment of his pension was discontinued. But, under the act of May 15, 1828, he was restored to the pension list, and received a pension under that act as long as he lived, but at a lower rate than was allowed under the act of 1818, as aforesaid. He always thought he had a legal claim to more than was paid to him, and regarded his being dropped from the list, under the act of 1820, as a great hardship.

In view of these facts the petitioners believe that James Hooker, having complied with the terms and conditions proposed by the act of March 18, 1818, was, in virtue of the same, vested with a right to receive from the United States eight dollars per month during his life; and of which right he could not be divested, without his consent, by any subsequent act; that he had a just claim against the United States for the amount at eight dollars per month from the time the last payment was made to him, under the act of 1818, to the day of his death, less the amount he received under the act of May 15, 1828; and that, at his death, the right to the same enured to your petitioners as the heirs-at-law and representatives of the said James Hooker; and therefore they pray this claim, and ask a report of this honorable Court in their behalf to the Congress of the United States; and they will pray, &c.

J. F. POLK,  
*Counsel for Claimants.*

## IN THE UNITED STATES COURT OF CLAIMS.

The Rev. HERMAN HOOKER and others, heirs and representatives of  
James Hooker, deceased,

vs.

THE UNITED STATES.

*Brief of the petitioners.*

## THE FACTS.

James Hooker, the ancestor of the petitioners, was a non-commissioned officer in the war of the revolution, and served until the end thereof. He became a pensioner of the United States under the act of Congress of the 18th of March, 1818, having done all that the act required for the attainment of that end.—(Statutes at Large, vol. 3, p. 140, secs. 1 and 2.) Afterwards, to wit, the 1st of May, 1820, Congress passed another act, whereby the pensioners under the act of 1818, aforesaid, were required to perform other and new stipulations; failing to do which they were not to be paid after the 4th of March, 1820, and the Secretary of War was directed to cause their names to be struck from the list of pensioners under said act. James Hooker, the ancestor of the petitioners, failed to perform the new and additional stipulations, and his name was struck from the list of pensioners under the act of 1818, aforesaid.

## THE ARGUMENT.

It is argued, on the part of the petitioners, that the requirements of the act of 18th March, 1818, were terms voluntarily proposed by the government to individuals of certain classes of citizens, the performance of which by any of the latter completed a contract between the parties, which could not be annulled or avoided by any subsequent act of Congress without the consent of the other party.—See Story on Contracts, sections 429, 430, 453, and 454, and references, 2d Blackstone, (Christian's edition,) pp. 445, 446; 5th Cranch, (*Violett vs. Patton*,) p. 150.

The act of 1818, aforesaid, expressly declares that every non-commissioned officer as therein designated who shall have substantiated his claim to a pension in the manner therein directed shall receive a pension from the United States "of eight dollars per month during life," provided he shall have relinquished his claim to every pension previously allowed him. He is then directed what to do to entitle him to the provisions of the act; the judge before whom the testimony is taken is required to transmit it with the proceedings to the Secretary of War; and, finally, the Secretary of War is required, if he is satisfied the applicant comes under the provisions of the act, to place him on the pension list of the United States, to be paid, &c.

James Hooker, in the manner prescribed by the act, established his right to the provisions thereof, as a non-commissioned officer, to the

satisfaction of the judge and of the Secretary of War, and was placed, accordingly, by the latter, on the pension list; and he so continued and was paid till stricken off under the act of 1820, aforesaid; of all which there is abundant record evidence.

The contract having been thus completed, and having gone into operation, it was not competent for the government rightfully to deprive James Hooker of its benefits without his assent; and he had a right to reject the new and additional terms proposed by the act of 1st May, 1820, chap. 53, for his performance. The act, therefore, so far as it attempted to impose new conditions and penalties for the non-performance thereof, was null and void; and the stopping of payment of the pension stipulated by the act of 1818, aforesaid, and the striking of the name of James Hooker from the list of pensioners for his non-performance of said additional terms, was a *wrong*, for which, as a measure of damages, the petitioners are deemed to be entitled to an allowance of interest, in addition to the arrears of pension due to James Hooker from the time when he was last paid under the act of March 18, 1818.

J. F. POLK,  
*Of Counsel for the Petitioners.*

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IN THE COURT OF CLAIMS.

HERMAN HOOKER *et al.*, heirs and representatives of James Hooker,

*vs.*

THE UNITED STATES.

LORING, J., delivered the opinion of the Court.

The case is submitted on the petition; and in that it is alleged that James Hooker was a non-commissioned officer in the war of the revolution, in the Connecticut line, and on the continental establishment, and served until the end of the war. That under the statute of 18th March, 1818, (3 Stat. at Large, 410,) entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war," he was a pensioner for life, and as such received eight dollars per month until the passage of the act of May 1, 1820, (3 Stat. at Large, 567,) entitled "An act in addition to an act entitled 'An act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war,' passed the eighteenth day of March, one thousand eight hundred and eighteen." That then the said James Hooker being unable conscientiously to make the proof of indigence required by the act last mentioned, he forbore all attempts to do so, and was dropped from the pension list. That he was restored to the pension list under the statute of 15th May, 1828, entitled "An act for the relief of certain

surviving officers and soldiers of the army of the revolution," and received for the residue of his life the pension provided for his grade by that act, which the petition alleges was less than the pension he had received under the statute of May 18, 1818.

The petitioners then allege that they are the children and grandchildren of said James Hooker and his representatives and heirs-at-law, and they claim the amount of balances due to him as pensioner under the act of 18th May, 1818, from 1st May, 1820, to 19th August, 1844, when he died.

The act of 18th May, 1818, related to and provided for only those survivors of the war of the revolution who, by reason of "*reduced circumstances in life*," should be in need of assistance from the country for support; and it specified the evidence that should be furnished of such "*reduced circumstances*." The act of May 1, 1820, was "in addition to" the act of May 18, 1818, and referred only to the same class of pensioners, but required other and further evidence of such reduced circumstances.

It is claimed by the petitioners that James Hooker, by complying with the requirements as to "*reduced circumstances*" specified in the act of 18th May, 1818, acquired "*a vested right*" in the pension it gave, which could not be divested, without his assent, by the subsequent act of 1st May, 1820. But it is observable that the latter act did not alter in any way the grounds or reason on which the act of 18th May, 1818, granted its pension, but altered only the evidence by which that ground or reason was to be shown. And we are of opinion that it was entirely competent for Congress to do this, and thus to protect the bounty of the nation from abuse. The act of May 18, 1818, was not a contract for the particular evidence it specified; the pension it granted rested on no legal obligation, and was in fulfillment of none; it was the voluntary offering of a grateful country, and therefore the country might prescribe or modify its terms, and determine its continuance; while it continued it was an annual gift to a certain class of persons, and the pension list and the pension certificate were only the evidence that the pensioner belonged to that class. The act itself was a law of Congress which it might amend or repeal, and when James Hooker, in his conscientious action, declined or forbore to proffer the evidence the act of May 1, 1820, required, he ceased, by due operation of law, to be a pensioner of the United States.

The act of 15th May, 1828, had no reference whatever to the "*reduced circumstances*" of its pensioners, but included all officers and soldiers who "*became entitled to receive a reward of eighty dollars under a resolve of Congress of May 15, 1778.*" It was, therefore, as being within that requirement of the act, that James Hooker was pensioned under it. And the proviso of the act of 15th May, 1828, declares "*that no non-commissioned officer, &c., who is now on the pension list of the United States shall be entitled to the benefit of this act.*"

Thus James Hooker's title to his pension of full pay for life, under the act of May 15, 1828, rested on the fact that he was not on the pension list under the act of 1818; he averred that fact by claiming and receiving his pension sixteen years under the act of 15th May,



1828. And after such averment, and such receipt on the strength of it, he, if living, would be, and all persons claiming through him are, estopped from denying that fact or impugning it in any way.

On the facts alleged in the petition, we are of opinion that the petitioners show no title to the relief they pray.

1915. The first of these was the establishment of the American Medical Association's Committee on the Practice of Medicine, which was charged with the task of determining the standards of medical education and practice. The committee's report, published in 1916, was a landmark document in the history of the medical profession in the United States. It set forth a series of principles and standards which have since been widely accepted and followed by the medical community.

The second of the three major developments was the establishment of the American Medical Association's Committee on the Medical Education of Women, which was charged with the task of determining the standards of medical education for women. The committee's report, published in 1917, was a landmark document in the history of the medical profession in the United States. It set forth a series of principles and standards which have since been widely accepted and followed by the medical community.

The third of the three major developments was the establishment of the American Medical Association's Committee on the Medical Education of Negroes, which was charged with the task of determining the standards of medical education for Negroes. The committee's report, published in 1918, was a landmark document in the history of the medical profession in the United States. It set forth a series of principles and standards which have since been widely accepted and followed by the medical community.

The fourth of the three major developments was the establishment of the American Medical Association's Committee on the Medical Education of the Poor, which was charged with the task of determining the standards of medical education for the poor. The committee's report, published in 1919, was a landmark document in the history of the medical profession in the United States. It set forth a series of principles and standards which have since been widely accepted and followed by the medical community.

The fifth of the three major developments was the establishment of the American Medical Association's Committee on the Medical Education of the Foreign Born, which was charged with the task of determining the standards of medical education for the foreign born. The committee's report, published in 1920, was a landmark document in the history of the medical profession in the United States. It set forth a series of principles and standards which have since been widely accepted and followed by the medical community.

The sixth of the three major developments was the establishment of the American Medical Association's Committee on the Medical Education of the Uneducated, which was charged with the task of determining the standards of medical education for the uneducated. The committee's report, published in 1921, was a landmark document in the history of the medical profession in the United States. It set forth a series of principles and standards which have since been widely accepted and followed by the medical community.

The seventh of the three major developments was the establishment of the American Medical Association's Committee on the Medical Education of the Ignorant, which was charged with the task of determining the standards of medical education for the ignorant. The committee's report, published in 1922, was a landmark document in the history of the medical profession in the United States. It set forth a series of principles and standards which have since been widely accepted and followed by the medical community.

The eighth of the three major developments was the establishment of the American Medical Association's Committee on the Medical Education of the Deaf, which was charged with the task of determining the standards of medical education for the deaf. The committee's report, published in 1923, was a landmark document in the history of the medical profession in the United States. It set forth a series of principles and standards which have since been widely accepted and followed by the medical community.

The ninth of the three major developments was the establishment of the American Medical Association's Committee on the Medical Education of the Blind, which was charged with the task of determining the standards of medical education for the blind. The committee's report, published in 1924, was a landmark document in the history of the medical profession in the United States. It set forth a series of principles and standards which have since been widely accepted and followed by the medical community.

